

DAYTON AVIATION HERITAGE PRESERVATION ACT

FEBRUARY 28, 1995.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 606]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 606) to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 606 is to make a technical correction to the Dayton Aviation Heritage Preservation Act of 1992 by clarifying the Secretary of the Interior's powers to make appointments to the Dayton Aviation Heritage Commission.

BACKGROUND AND NEED FOR LEGISLATION

The advisory commission appointment procedure described in the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419), while identical to that in legislation authorizing other such commissions, has drawn criticism from the Administration. The concern is that the provision could undercut the Secretary's appointment authority carried out pursuant to the appointments clause of the Constitution (article II, section 2). For this reason, H.R. 606 was introduced to preclude any conflicts or concerns about the appointments to the advisory commission created by Public Law 102-419.

COMMITTEE ACTION

H.R. 606 was introduced by Mr. Hall of Ohio on January 20, 1995, and was referred to the Committee on Resources. Within the Committee, the bill was referred to the Subcommittee on National Parks, Forests and Lands. A hearing on H.R. 606 was held by the Subcommittee on February 2, 1995. At the Subcommittee meeting on February 7, 1995, H.R. 606 was ordered favorably reported by voice vote to the Committee on Resources without amendment. At the meeting of the Committee on Resources on February 15, 1995, the bill was ordered favorably reported, without amendment, to the House of Representatives by voice vote, in the presence of a quorum.

SECTION-BY-SECTION ANALYSIS

The bill replaces in five places references within the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419) to clarify that the Secretary of the Interior need only consider the recommendations of others in making his appointments to the advisory commission established under that Act.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(l)(3) of rule XI of the Rules of the House of Representatives and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 606 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 606. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirements of clause 2(l)(3)(A) of Rule XI of the Rules of the House of Representatives, the Subcommittee on National Parks, Forests and Lands held a hearing on February 2, 1995, on H.R. 606 and the oversight findings and recommendations of the Committee are reflected in this report.

2. With respect to the requirement of clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from

the Committee on Government Reform and Oversight on the subject of H.R. 606.

3. With respect to the requirement of clause 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 606 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 22, 1995.

Hon. DON YOUNG,
Chairman, Committee on Resources, U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 606, a bill to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes, as ordered reported on February 15, 1995. Enacting this legislation would result in no cost to the federal government or to state or local governments. Because enactment of H.R. 606 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

H.R. 606 would amend the Dayton Aviation Heritage Preservation Act of 1992 (P.L. 102-419) to clarify the power of the Secretary of Interior to make appointments to the advisory commission that was created by that act. Under the bill's amendments to P.L. 102-419, the Secretary need only consider the recommendations of others in making such appointments and is not limited by those recommendations.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).

DEPARTMENTAL REPORTS

The Committee has received no departmental report on H.R. 606.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**SECTION 201 OF THE DAYTON AVIATION HERITAGE
PRESERVATION ACT OF 1992**

SEC. 201. DAYTON AVIATION HERITAGE COMMISSION.

(a) * * *

(b) MEMBERSHIP.—The Commission shall consist of 13 members as follows:

(1) 3 members appointed by the Secretary, who shall have demonstrated expertise in aviation history, black history and literature, aviation technology, or historic preservation, at least one of whom shall represent the National Park Service.

(2) 3 members appointed by the Secretary **【from recommendations】** *after consideration of recommendations* submitted by the Governor of the State of Ohio, who shall have demonstrated expertise in aviation history, black history and literature, aviation technology, or historic preservation, at least one of whom shall represent the Ohio Historical Society.

(3) 1 member appointed by the Secretary of Defense, who shall represent Wright-Patterson Air Force Base.

(4) 3 members appointed by the Secretary **【from recommendations】** *after consideration of recommendations* submitted by the City Commission of Dayton, Ohio, at least one of whom shall reside near the core parcel of the park (as described in section 101(b)(1)).

(5) 1 member appointed by the Secretary **【from recommendations】** *after consideration of recommendations* submitted by the Board of Commissioners of Montgomery County, Ohio.

(6) 1 member appointed by the Secretary **【from recommendations】** *after consideration of recommendations* submitted by the Board of Commissioners of Greene County, Ohio.

(7) 1 member appointed by the Secretary **【from recommendations】** *after consideration of recommendations* submitted by the City Council of Fairborn, Ohio.

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